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EXAMINER

SHEP K ROSE

ART UNIT

PAPER NUMBER

125

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

- (1) RICHARD FICHTER, ESQ (3) _____
(2) SHEP ROSE, USPTO (4) _____

Date of interview MAR 2 1991

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☒ Yes ☐ No. If yes, brief description: Medline and Biosis Data Bases describe pre-priority date papers by Glaxo scientists (and others) teaching replacement of salbutamol by salmeterol in inhalation therapy of asthmatics. Those papers are not in the USPTO. Mr. Fichter agreed to ask Glaxo to make of record any papers which they may have, and to submit them on a PTO-1499

Agreement ☐ was reached with respect to some or all of the claims in question. ☒ was not reached.

Claims discussed: _____

Identification of prior art discussed: It is admitted prior art that salbutamol has been administered with corticosteroids for asthma therapy in metered dose pressurized aerosol inhalers as well as in capsule or cartridge dry powder formulations, i.e. of beclomethasone dipropionate as the steroid, inter alia.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: It is not admitted prior art herein that, prior to applicants Sept 89 + Oct 89 priority dates, it was a well-known fact MPEP 706.02(a) "well-known" "matter of common knowledge" See also MPEP 707.07(F) "ANSWERING ASSERTED ADVANTAGES" that other Glaxo scientists (and others) had already proposed the substitution or replacement of salbutamol by salmeterol, a matter important, material, and relevant to examination herein, for inhalation therapy of asthma. Mr. Fichter asked if combination therapy of salmeterol with steroids was described or suggested as well, and offered to get them of record from Glaxo. The Glaxo papers are by: Maconochie et al (1986) Brittain et al (1988) Nials et al (1988) Bullett et al (1987) and Butcher et al (1987). Others papers include Ullman et al (1988) Jeppson et al (1989) Kemp et al (1989). Until papers are examined, questions cannot be answered (A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

Unless the paragraphs below have been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

☐ Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action.

SHEP K ROSE

Examiner's Signature

SHEP K. ROSE
EXAMINER